



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

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April 22, 2003



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LETTER OF DEFICIENCY
No. WMD 03-08

Hendrix Wire & Cable, Inc.
53 Old Wilton Road
Milford, New Hampshire 03055

Mr. Thomas Brennan, President

Hendrix Wire & Cable, Inc.
Milford, New Hampshire
EPA ID # NHD001079334

Dear Mr. Brennan:

On January 24, 2003, the Department of Environmental Services, Waste Management Division (DES) conducted an inspection of Hendrix Wire & Cable, Inc. (Hendrix). The purpose of the inspection was to determine Hendrix's compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection, the following deficiencies in your hazardous waste management program were documented:

1 RSA 147-A:4/Env-Wm 353.04 – Limited Permit

At the time of the inspection, Hendrix was operating a wastewater evaporation unit without a Limited Permit. Waste sodium hydroxide solution, generated from the Ultrasonic Washer, is evaporated in a tank. The waste profile (56070-5), provided by Hendrix personnel, indicated that the resultant, concentrated sodium hydroxide solution is a corrosive (D002) hazardous waste.

The evaporation unit meets the definition of a hazardous waste treatment facility within RSA 147-A:2, IV because it generates and accumulates a wastewater treatment sludge that is a hazardous waste as defined in Env-Wm 400 (*i.e.*, corrosive). DES has no record of receiving a Limited Permit application form from Hendrix for the evaporation unit.

RSA 147-A:4, I requires any person who wishes to operate a hazardous waste treatment facility to first obtain a Limited Permit provided the operator meets the conditions specified in Env-Wm 353.04(b) through (o), including submission of a Limited Permit application form. Initial applications are subject to a \$500.00 fee, as referenced by Env-Wm 353.07(d).

If Hendrix wishes to continue to generate and accumulate a hazardous wastewater treatment sludge from the evaporation unit, then DES requests that Hendrix obtain a Limited Permit by complying with the requirements of Env-Wm 353.04(o), which include submitting the enclosed New Hampshire Limited Permit application form to DES.

2 Env-Wm 502.01 – Hazardous Waste Determination

At the time of the inspection, no formal hazardous waste determination had been performed on the waste solids generated from the Ultrasonic Washer at Hendrix. Three (3) 5-gallon containers of the waste solids were present in the Main Hazardous Waste Storage Area but were not labeled. Hendrix personnel informed DES personnel that they believed the waste to be solid sodium hydroxide. In an email received on January 31, 2003 from Hendrix, Mr. Thomas Herlihy, Safety and Compliance Manager, stated that the waste solids believed to be sodium hydroxide were boiled in tap water and tested for pH. According to Mr. Herlihy, the waste "...proved not to be hazardous waste. Its pH was the same as the tap water we boiled it in. We believe now that it was probably mineral deposits from the rinse water." In a subsequent email on February 5, 2003, Mr. Herlihy stated that the waste will be disposed of as a non-hazardous solid waste.

Env-Wm 502.01 requires that all generators of waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules.

DES requests that Hendrix test a representative sample of the waste solids for the characteristic of corrosivity using the procedure defined in Env-Wm 403.04(b)(3). Because the constituents of the waste are not clearly known to Hendrix personnel, DES requests that the determination be accomplished by testing rather than by generator knowledge (*i.e.*, Hendrix personnel using knowledge of the hazardous constituents or characteristics of the waste, based on the materials or processes used to generate the waste.)

Hendrix will need to provide the results of the hazardous waste determination, along with any other supporting data, such as chemical analyses and/or Material Safety Data Sheets (MSDS), to DES.

3 Env-Wm 507.01(a)(3) – Storage Requirements

At the time of the inspection, four (4) containers of hazardous waste were not closed (see hazardous waste container inventory) including:

- (a) One (1) cubic yard box of oily debris and one (1) 55-gallon container of cyclohexane/methyl isobutyl ketone observed in the Main Hazardous Waste Storage Area;

- (b) One (1) 55-gallon container of NH01 used oil observed in the Molded Products Area; and
- (c) One (1) 55-gallon container of NH01 used oil observed in the Room Adjacent to the Compressor.

Env-Wm 507.01(a)(3) requires generators to ensure that containers storing hazardous waste be closed at all times, except when waste is being added to or removed from the containers.

DES requested that Hendrix ensure that containers storing hazardous waste remain closed at all times, except when adding waste to or removing waste from the containers.

In an email received on January 31, 2003 from Hendrix, Mr. Thomas Herlihy stated that the funnel latch on the NH01 used oil container in the Room Adjacent to the Compressor was repaired and is now kept closed.

4 Env-Wm 507.03(a)(1)a. – Storage Requirements

At the time of the inspection, thirteen (13) containers of hazardous waste were not marked with beginning accumulation dates (see hazardous waste container inventory) including:

- (a) One (1) cubic yard box of NH01 oily debris, one (1) 55-gallon container of NH01 used oil, one (1) 55-gallon container of cyclohexane/methyl isobutyl ketone, one (1) 55-gallon container of xylene/methyl ethyl ketone, and one (1) 55-gallon container of crushed fluorescent lamps observed in the Main Hazardous Waste Storage Area;
- (b) Three (3) 55-gallon containers of NH01 used oil observed in the Molded Products Area; and
- (c) Three (3) 55-gallon containers of NH01 used oil and two (2) 55-gallon containers of hazardous waste paint observed in the Maintenance Area.

Env-Wm 507.03(a)(1)a. requires that all containers used for the storage of hazardous waste be marked with the beginning accumulation date at the time they are first used to store hazardous wastes.

DES requests that Hendrix properly mark all containers of hazardous waste with the beginning accumulation date at the time they are first used to store waste.

At the time of the inspection, Hendrix personnel marked the five (5) containers in the Main Hazardous Waste Storage Area with initial dates of accumulation.

5. Env-Wm 507.03(a)(1)b., c., and d. – Container Marking

At the time of the inspection, the three (3) 55-gallon containers of NH01 used hydraulic oil observed in the Molded Product Area were not marked with the words “hazardous waste”, words that identify the contents, and the EPA or state waste number (see hazardous waste container inventory).

DES also observed that the three (3) 55-gallon containers of NH01 used hydraulic oil and two (2) 55-gallon containers of waste paint located in the Maintenance Area had not been marked with the words “hazardous waste” or the EPA or state waste number.

Env-Wm 507.03(a)(1)b., c., and d. require that all containers used for the storage of hazardous waste be marked with the words “hazardous waste”, words that identify the contents, and the EPA or state waste number at the time they are first used to store hazardous wastes.

DES requests that Hendrix properly mark all containers of hazardous waste with the words “hazardous waste”, words that identify the contents, and the EPA or state waste number at the time they are first used to store waste.

6. Env-Wm 507.03(a)(2) – Container Marking

At the time of the inspection, two (2) containers of hazardous waste had labels that were obscured by other containers (see hazardous waste container inventory). These containers were located in the Main Hazardous Waste Storage Area and included:

- (a) One (1) 55-gallon container of cyclohexane/methyl isobutyl ketone, and
- (b) One (1) 55-gallon container of concentrated sodium hydroxide.

Env-Wm 507.03(a)(2) requires that hazardous waste labels shall not be hidden by walls or other containers.

DES requested that Hendrix store all containers of hazardous waste so that all labels and markings are visible and not hidden by wall or other containers.

In a February 3, 2003 submittal from Mr. Thomas Herlihy, manifests were provided documenting that these containers were shipped off-site for disposal on January 30, 2003. No further action is required.

7. Env-Wm 509.02(a)(2) – Personnel Training

A review of Hendrix's personnel training program revealed the following deficiencies:

- (a) Primary emergency coordinator Thomas Herlihy has not received hazardous waste management training in three (3) of his four (4) years as the primary emergency coordinator. Mr. Herlihy did receive hazardous waste management training in the year 2000.
- (b) Waste handler/secondary emergency coordinator David Stevens has not received hazardous waste management training in four (4) of the last five (5) years. Mr. Stevens did receive hazardous waste management training in the year 2000.
- (c) Secondary emergency coordinator Carl Richter has not received any hazardous waste management training for the two (2) years he has served as secondary emergency coordinator (2001 and 2002).
- (d) One (1) employee that signs hazardous waste manifests, Robin Rogers, has not received hazardous waste management training in any of the last five (5) years.
- (e) Training records provided to DES at the time of inspection, failed to document a training program which includes a list of hazardous waste job titles, job descriptions, and names of employees filling each position.

Env-Wm 509.02(a)(2), which references 40 CFR 265.16, Personnel Training, requires full quantity generators to maintain a personnel training program. This includes, but is not limited to, ensuring that initial training and annual reviews are conducted for personnel handling hazardous waste, and specific documents and records related to personnel training are maintained at the facility.

DES requests that Hendrix conduct and document hazardous waste training and annual reviews for all Emergency Coordinators and employees who handle hazardous waste and/or sign hazardous waste manifests. DES also requests that Hendrix maintain a written personnel training program which documents hazardous waste job titles, job descriptions, and names of employees filling each position (refer to the enclosed FQG Module). Please submit a copy of this personnel training program to DES.

8. Env-Wm 509.02(a)(4) – Preparedness and Prevention (FQGs)

At the time of the inspection, Hendrix failed to have an internal alarm/communication system capable of providing immediate contact with facility personnel located within 100 feet of the Main Hazardous Waste Storage Area.

Env-Wm 509.02(a)(4), which references 40 CFR 265 Subpart C, Preparedness and Prevention, requires generators to have an internal communication system capable of

providing immediate contact with facility personnel. All required hazardous waste storage area equipment must be installed or available within 100 feet of the storage area.

DES requests that Hendrix install and maintain at the Main Hazardous Waste Storage Area, an alarm/communication system capable of providing immediate communication with facility personnel.

9. Env-Wm 509.02(a)(4) – Preparedness and Prevention (FQGs)

At the time of the inspection, adequate aisle space was not provided for three (3) containers of hazardous waste located in the Main Hazardous Waste Storage Area (see hazardous waste container inventory) including:

- (a) One (1) 55-gallon container of NH01 used hydraulic oil, and
- (b) Two (2) 55-gallon containers of concentrated sodium hydroxide.

Env-Wm 509.02(a)(4), which references 40 CFR 265.35, requires that generators must maintain required aisle space at each hazardous waste storage area. Required aisle space is further defined in Env-Wm 509.02 (e) to mean not less than 2 feet of aisle space to allow for inspection of at least one side of each container.

DES requested that Hendrix maintain the required aisle space for each container of hazardous waste in the Main Hazardous Waste Storage Area.

In a February 3, 2003 submittal from Mr. Thomas Herlihy, manifests were provided documenting that these containers were shipped off-site for disposal on January 30, 2003. No further action is required.

10 Env-Wm 509.02(a)(5) – Contingency Plan

At the time of inspection, DES confirmed that Hendrix did not have a contingency plan. Hendrix personnel did provide DES personnel with the facility document entitled, Safety Program. This Safety Program contained elements of a contingency plan, but not all the required information, and it did not specifically address hazardous waste related emergencies.

Env-Wm 509.02(a)(5), which references 40 CFR 265, Subpart D, requires full quantity generators to maintain a complete contingency plan at the site.

DES requests that Hendrix develop a contingency plan that includes the items identified in the enclosed Contingency Plan Module and submit a copy of the plan to DES. Hendrix should retain documentation that copies of the plan have been submitted to local authorities (police, fire, hospitals, contractors, and state and local emergency response teams) and submit that documentation to DES.

11 Env-Wm 509.02(b) – Emergency Posting

At the time of the inspection, the emergency posting at the nearest telephone to the Main Hazardous Waste Storage Area was present but incomplete.

Env-Wm 509.02(b) requires that full quantity generators shall post a list of the steps to take if an emergency occurs and the following emergency numbers at the nearest telephone to the hazardous waste storage area (deficiencies are noted in italics):

- (a) The emergency coordinators (home and office);
- (b) The fire department, police department, and State of New Hampshire and local emergency response teams that may be called upon to provide emergency services, unless the facility has a 24-hour response team designated to provide emergency services whose number is posted; and
- (c) *The location of fire extinguishers and spill control material, and, if present, fire and internal emergency alarms.*

DES requests that Hendrix post the required information at the nearest telephone to the above-referenced hazardous waste storage area.

12. Env-Wm 509.03(i)(2) – Satellite Storage

At the time of the inspection, nine (9) containers of hazardous waste had not been moved from satellite storage areas to the Main Hazardous Waste Storage Area within three (3) days of reaching the accumulation limit (see hazardous waste container inventory) including:

- (a) One (1) 55-gallon container of NH01 used compressor oil generated and stored in the Room Adjacent to the Compressor;
- (b) Three (3) 55-gallon containers of NH01 used hydraulic oil generated and stored in the Molded Products Area; and
- (c) Three (3) 55-gallon containers of NH01 used hydraulic oil and two (2) 55-gallon containers of hazardous waste paint generated and stored in the Maintenance Area.

Env-Wm 509.03(i)(2) requires that when the amount of hazardous waste in a satellite storage area reaches the accumulation limit (*i.e.*, 55 gallons), the generator must move the hazardous waste to a designated hazardous waste storage area within three (3) days of reaching the accumulation limit.

DES requests that Hendrix move the containers of hazardous waste listed above to the Main Hazardous Waste Storage Area and ship the hazardous waste off-site within 90 days of the date the accumulation limit was reached.

13. Env-Wm 510.02(d) - Manifest Copy Distribution

At the time of the inspection, Hendrix had on file the two (2) hazardous waste manifests listed below, which had not been submitted to DES.

(a) Manifest No. NHH0046157, dated 8/14/02

(b) Manifest No. VT1035057, dated 12/4/02

Env-Wm 510.02(d) requires that the generator retain one (1) copy of the manifest with signatures, and forward one (1) copy of the manifest with signatures to the destination state and one (1) copy to DES within five (5) days of shipment.

DES requested that Hendrix submit copies of the above-listed manifests to DES, and properly retain and distribute manifest copies for future shipments of hazardous waste.

During the inspection, Mr. Thomas Herlihy provided the above-listed manifests to DES. No further action is required.

14. Env-Wm 807.06(b)(7) - Standards for Generators of Used Oil Being Recycled

At the time of inspection, DES confirmed that used oil determinations have not been conducted for Hendrix's four (4) used oil waste streams including: used hydraulic oil, used gear oil, used compressor oil, and used lubrication oil. The used oils are currently shipped as New Hampshire state hazardous waste using waste code NH01.

DES also observed, in the Molded Products Area, three (3) containers of used oil. Hendrix personnel informed DES that the used oil was generated when one of the molding machines broke down and the internal hydraulic oil was drained. Hendrix personnel believed the oil may have become contaminated with metals and therefore did not mix the oil with their regularly generated used hydraulic oil waste stream. No used oil determination has been conducted for the molding machine used hydraulic oil.

Env-Wm 807.06(b)(7) requires generators to conduct an initial used oil determination by analyzing it for all of the parameters specified in Env-Wm 807.02 and Env-Wm 807.03 (exclusive of PCB's if no source of PCB's is present).

DES requested that Hendrix conduct an initial used oil determination for the four (4) regular used oil waste streams and for the used oil generated from the broken-down molding machine for the parameters outlined in Env-Wm 807.02 and Env-Wm 807.03. These parameters include arsenic, cadmium, chromium, lead, flash point, and total

halogens. DES also requested that Hendrix provide the results of the used oil determinations to DES. A list of analytical laboratories that perform the required testing was provided to Hendrix at the time of the inspection.

In a February 18, 2003 submittal from Mr. Thomas Herlihy, documentation was provided substantiating that used oil determinations have been conducted for the used oil waste streams listed above. All used oil waste streams were determined to be classified as on-specification used oil and will be shipped off-site as "Used Oil for Recycling". No further action is required.

15 Env-Wm 102.04 – Universal Waste Management

At the time of the inspection, Hendrix personnel indicated that Hendrix handles and recycles universal waste batteries and cathode ray tubes (CRTs). Although no universal wastes were stored on-site at the time of the inspection, DES confirmed that documentation was not available to substantiate how long these universal wastes were accumulated on site before they were recycled.

Env-Wm 1102.04 requires that a universal waste handler shall either: 1) not accumulate universal waste for longer than one year from the date the universal waste becomes a waste or is received from another handler; and 2) demonstrate the length of time that the waste has been accumulated from the date it becomes a waste by using the options specified in Env-Wm 1102.04(a)(2)(a-f); or 3) accumulate universal waste in excess of one year from the date the universal waste becomes as waste by complying with the provisions of Env-Wm 1102.04(b)(1-2).

DES requests that Hendrix establish a method of documenting the length of time that universal waste batteries and CRTs have been accumulated from the date they become a waste using any of the methods stated in Env-Wm 1102.04(a)(2). Hendrix should provide a description of the selected method and necessary documentation to DES.

16. Env-Wm 1112.03(b) - Universal Waste Management

At the time of the inspection, DES confirmed that Hendrix had intentionally broken universal waste lamps with a crushing mechanism constructed at the facility. The crushed lamps were observed in a 55-gallon container located in the Main Hazardous Waste Storage Area. In the past, waste lamps have been shipped off-site for disposal as a hazardous waste using waste code D009 (i.e., mercury).

Env-Wm 1112.03(b) prohibits universal waste handlers from intentionally crushing or dismantling universal waste lamp(s) unless a permit has been obtained in accordance with Env-Wm 353.

DES requests that Hendrix cease the intentional breakage of universal waste lamps with the bulb-crushing mechanism, and dispose of all crushed bulbs stored on-site. Hendrix

may continue to ship intact waste lamps for disposal as a hazardous waste in accordance with Env-Wm 500, or alternatively, Hendrix may elect to manage waste lamps as "universal waste" in accordance with Env-Wm 1100. The DES Environmental Fact Sheet #WMD-HW-7 "Universal Waste Lamps: Management Requirements for Handlers and Transporters," and a DES "Fluorescent Lamp and Ballast Recycling Facility" list was provided to Hendrix at the time of the inspection. If Hendrix chooses to handle waste lamps as universal waste, documentation for lamp recycling will also be required per Env-Wm 1102.04, as discussed in Deficiency No. 15 above.

DES believes the cited deficiencies can be corrected and a report describing the corrective measures taken by Hendrix can be submitted within thirty (30) days of receipt of this letter. Supporting documentation that describes the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against Hendrix including issuing an order requiring that deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may reinspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may also be pursued for any or all violations observed during this or subsequent inspections of the facility.

The written report as requested above should be addressed as follows:

Kenneth W. Marschner, Administrator
DES/WMD
6 Hazen Drive
Concord, New Hampshire 03301-6509

Enclosed you will find a copy of the completed Hazardous Waste Generator Inspection Report which documents the compliance status of your facility at the time of the inspection. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at 271-2942.

Should you have any questions regarding this letter, please contact the lead inspector, Jessica Cajigas or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section at 271-2942. Specific questions regarding water related issues may be directed to Sharon Ducharme of DES's Water Division at 271-3307, and for air related issues, please contact Pam Monroe of DES's Air Resources Division at 271-1370. Thank you for your cooperation.

Sincerely,

COPY


Kenneth W. Marschner, Administrator
Waste Management Programs
Waste Management Division

cc DB/RCRA/LOD/Archives
Philip J. O'Brien, Ph.D., P.G., Director, WMD
Gretchen Rule, Esq., Administrator, DES Legal Unit
Thomas Herlihy, Safety and Compliance Manager, Hendrix Wire & Cable, Inc

E-mail: JJD/SD/SD/PM

Enclosure Inspection Checklist and Modules
New Hampshire Limited Permit Application Form